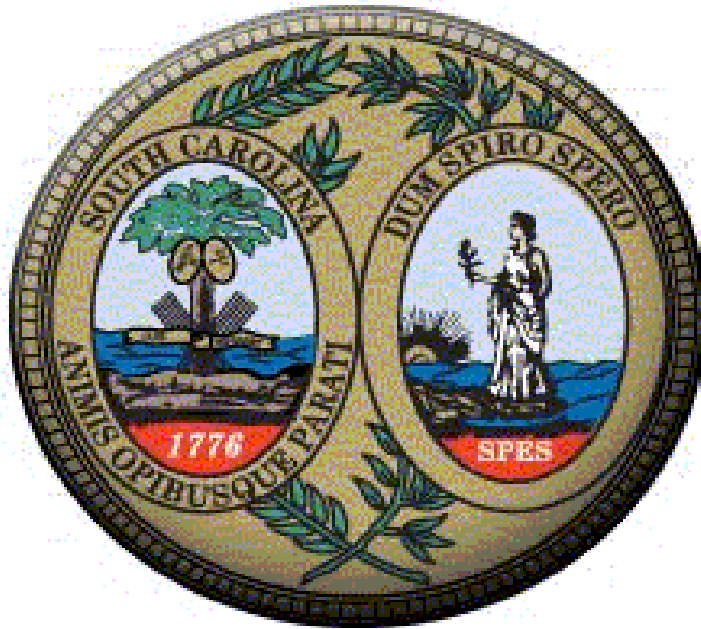


# **SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES**



## **COMMERCIAL DRIVER LICENSE (CDL) THIRD PARTY TESTER'S SAFETY OFFICER MANUAL**

# Section 1

## Definitions

1. BTW – Behind the Wheel (**Added 9-2009**)
2. CDL - Commercial Driver's License.
3. Commercial Motor Vehicle (CMV)- A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle- (a) Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or (b) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or (c) Is designed to transport 16 or more passengers, including the driver; or (d) Is of any size and is used in the transportation of hazardous materials required to be placarded. (**Revised 3-2010**)
4. Company - Any corporation, partnership, joint venture or sole proprietorship, federal or state agency or department, and any political subdivisions.
5. Department - The South Carolina Department of Motor Vehicles.
6. Designated Responsible Person - The person selected by a Company to supervise the Companies Safety Officers, to include responsibility of all records and submission of reports.
7. Domicile - The residence where you have your permanent home or principal establishment and to where, whenever you are absent, you intend to return; every person is compelled to have one and only one domicile at a time. (**Added 9-2008**).
8. DOT Physical - A physical that meets definition of 49 CFR Part 391.41 and 391.43. (**Added 9-2008**)
9. FMCSA - Federal Motor Carrier Safety Administration. (**Revised 9-2002**)
10. FMCSR - Federal Motor Carrier Safety Regulations. (**Revised 9-2008**)
11. Full Time Employee - Individual employed by a Company a minimum of 30 hours per week and remains working a minimum of 30 hours per week thereafter.
  - a. Paid vacation or sick leave is counted towards an employee's minimum of 30 hours per week.
  - b. The Department reserves the right to verify employee's hours with the Human Resources Office of the employer.
  - c. Failure to maintain the minimum of 30 hours per week shall result in suspension of testing privileges and may result in Random Recalls of any applicant tested by the Safety Officer not non-compliance. (**Revised 9-2008**)
12. Gross Combination Vehicle Weight Rating (GCWR) - The value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. It's the GVWR of

# Section 1

## Definitions

the power unit plus the GVWR of the towed unit. The GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load therein. **(Revised 9-2008).**

13. Gross Vehicle Weight Rating (GVWR) - The value specified by the manufacturer as the maximum allowable total weight of a road vehicle or trailer when loaded - i.e. including the weight of the vehicle itself plus fuel, passengers, cargo, etc. **Revised 9-2008)**
14. MVR – Official Motor Vehicle Record obtained from the Department. **(Added 9-2009)**
15. Safety Officer - A Full Time Employee of a Company or political subdivision and licensed by the Department to administer skills tests to drivers applying for a Class A, B or C driver's license.
16. SLED – South Carolina Law Enforcement Division. **(Added 9-2008)**
17. SPE – Skills Performance Evaluation **(Added 9-2009)**
18. State – The State of South Carolina.
19. Substandard Test – Any part or parts of the Commercial Drivers License Test not performed or meeting the standards or requirements in accordance with the Safety Officer Manual, state Law 56-1-2080, or the Federal Motor Carrier Safety Regulations. **(Added 9-2009)**
20. Third Party Tester – A company or Agency licensed by the department to perform the commercial driver's license test administration as required under 49 CFR 383.75. **(Added 9-2008)**

## Section 2

# Requirements for Safety Officers and Companies

1. Company must complete and submit a Safety Officer Application for each individual they wish to have trained by the Department to perform and/or conduct Safety Officer duties and again annually thereafter. Companies must also submit a current (not over 30 days old) SLED report at the time of application for each applicant prior to attending class.  
**(Revised 9-2009)**
2. Company cannot receive compensation for CDL tests administered by their Safety Officers. Safety Officers cannot charge or receive compensation other than their normal salaries or overtime pay for third party testing services, including compensation from CDL applicants. Company may not advertise Third Party Services as a way to solicit applicants or employees.  
**(Revised 9-2008)**
3. Individuals must be employed by Company at least 180 days on a full-time basis immediately prior to submitting an application to be a Safety Officer and remain a full-time employee while serving as the Safety Officer. The Department reserves the right to verify an employee's hours with their Human Resources Office. **Note:** Safety Officers who fail to maintain a minimum of 30 hours per week will be suspended from the Third Party Testing Program and are subject to having any applicant they tested retested by the Department.  
**(Revised 8-2009)**
4. Safety Officers must be domiciled in South Carolina.
5. Safety Officers may be licensed for only one sponsoring Third Party Tester Company for which they are a Full Time Employee and cannot hold a "Dual Certification". Safety Officers can only test applicants for the sponsored Third Party Tester Company for which the applicant and Safety Officer are employed with. **(Added 9-2008)**
6. Safety Officers cannot have a criminal conviction. The Department reserves the right to perform SLED and/or NCIC background checks. The Department may also require the Safety Officer or Company to provide a current SLED report for cause shown. Safety Officers must notify the Department in writing within 24 hours if their convicted of any crime. **(Revised 9-2008)**
7. Safety Officers cannot have cancellations, suspensions, or revocations of their driving privileges connected to a moving violation for three years prior to applying to be a Safety Officer and must not have any thereafter. The Department must be notified in writing within 24 hours of any cancellation, suspension, or revocation of driving privileges.  
**(Revised 9-2009)**
8. Safety Officers cannot administer a CDL test until they receive a certificate of training from the Department. Certificates are issued after all Third Party Tester Company and Safety Officer requirements are met and successful completion of the Departments Third Party Tester training course. **(Revised 9-2002, 10-2003, 9-2009)**

## Section 2

# Requirements for Safety Officers and Companies

9. Applicants who successfully complete the Departments CDL Third Party training must be certified and licensed by the Department within 12 months of the completion of the training class. Applicants failing to meet this requirement must reapply to the Department and meet all the requirements for a first time Safety Officer. **(Added 9-2008)(Revised 9-2009)**
10. Safety Officers must administer the same CDL tests DMV Examiners administer and adhere to all policies and/or regulations of the Department including those set forth in the Third Party Tester Examiner Manual. Each portion of the CDL examination must be administered and passed consecutively within the same day. (See approved exception(s). Item 21 **(Revised 5-2003, 9-2008)**)
11. Safety Officers must administer CDL tests in the appropriate group and/or class of vehicle the applicant intends on operating.
12. Safety Officers must maintain the appropriate Class of license and endorsements (or higher) for which they intend to test an applicant for.
13. Safety Officers cannot conduct CDL tests for any family members and/or relatives.
14. Safety Officers must maintain a valid copy of their Commercial Drivers License and DOT Physical in the Third Party Files as required by FMCSR 49 CFR part 393.41. **(Added 9-2008)**
15. Safety Officers are required to participate in annual Skills Performance Evaluation conducted by the Department. **(Revised 8-2009)**
16. Safety Officers must check the MVR of all applicants before administering a CDL test and refuse to test any driver whose license is currently or subject to, being suspended, revoked or cancelled. **Note:** MVR cannot be more than 21 calendar days old on day the day the CDL test is administered. **(Revised 5-2004, 8-2009)**
17. Safety Officers must provide and explain the Certification of Conditions form to each applicant or student prior to administering a CDL test. FMCSR part 383.75 **(Added 9-2002) (Revised 9-2008)**
18. Truck schools must provide and explain the residency affidavit to their students prior to administering a CDL test pursuant to FMCSR 49 CFR part 383.5.
19. Safety Officers must not administer a CDL test to an applicant on the same day the Safety Officer spent time providing CDL training to the applicant. **(Added 8-2009)**
20. Safety Officers will ensure the entire CDL test is administered from start to finish before taking a break, a short 5-10 minute restroom break is permitted after the pre-trip inspection.

## Section 2

# Requirements for Safety Officers and Companies

However, stopping the CDL test to deal with personal matters, other administrative duties, breakfast, lunch, etc. is prohibited. **Note:** Testing more than one applicant at a time is prohibited. **(Revised 3-2010)**

21. CDL test postponed due to severe weather or emergencies must be noted on 447-RT and reported to the CDL Compliance Office as soon as possible. **(Revised 8-2009)**
22. Safety Officers will ensure all applicable areas of the Form 447-RT, Commercial Driver License Skills Test Score Sheet are completed in full.
  - a. A separate Form 447-RT is completed each time a CDL test is administered and all white copies are forwarded to the Department once applicant passes the CDL test.
  - b. All green copies of the Form 447-RT are kept in the drivers file.
  - c. If an applicant never passes their CDL test all white and green copies of the Form 447-RT will remain in the drivers file. White copies of the 447RT will be collected at the time of audit and scanned into the Departments driver's history file. **(Revised 9-2008)(Modified 3-2010)**
23. If the applicant successfully passes all portions of the CDL test the Safety Officers must complete and issue a road test waiver Form 447-SO, Safety Officer Card.
24. If the all portions of the CDL test were successfully completed the Safety Officers will hand the applicant a Department approved sealed envelope containing the following documents that must be presented to the DMV within 30 days from the date the CDL test was administered. **(Revised 8-2009)**
  - a. All completed Form 447-RT (white copies).
  - b. The original Form 447-SO, Safety Officer Card.
  - c. A copy of the Certification of Conditions.
26. Forms are invalid after CDL test was administered if: **(Revised 9-2008, 8-2009)**
  - a. Envelope was altered or opened before being delivered to the DMV.
  - b. The Form 447-SO, Form 447-RT and/or Certification of Conditions have been altered.
  - c. Documents are received at the DMV 31 days or more after the CDL test was administered.
1. Safety Officers leaving a licensed Third Party Tester and wanting their privileges transferred to another Company must:

## Section 2

### Requirements for Safety Officers and Companies

- a. Be a Full Time employee for 180 days with the new Company prior to applying for certification.
- b. Successfully complete an SPE.
- c. Submit all required paperwork to the Department within 365 days of the ending certification date with the previous company. (**Added 9-2008**)

## Section 3

# Duties of Designated Responsible Persons

1. Be domiciled in South Carolina
2. May or may not be a Safety Officer. **(Added 8-2009)**
3. Ensure Safety Officer Applications and Third Party Tester Agreements are updated annually. **(Added 8-2009)**
4. Ensure their Company and Safety Officers comply with all applicable statutes and regulations of the FMCSR, the State of South Carolina and/or regulations of the Department including those set forth in the Third Party Tester Examiner Manual.
5. Ensure their Company adheres to the following requirements:
  - a. Maintain an established place of business with permanent street mailing address in South Carolina.
  - b. Maintain at least one permanent, regularly occupied structure within the State of South Carolina.
  - c. Own or lease at least two commercial motor vehicles that require the driver to hold a Class A or B (Group) commercial driver's license.
  - d. Employee one full-time Safety Officer who meets all qualifications.
  - e. Have been in operation for at least 180 days.
  - f. Complete and signed a written Third Party Tester Agreement with the Department.
6. Accountable for the maintenance of all CDL paperwork for the licensed Third Party Tester Company and ensures applicable reports are submitted to the Department as set forth in the Third Party Tester Examiner Manual.
7. Ensure only Safety Officers licensed by the Department are permitted to administer CDL tests and adhere to all requirements set forth in the Third Party Tester Examiner Manual, state law, and the Federal Motor Carrier Safety Regulations.
8. Ensure Safety Officers are made aware of changes in a timely manner to CDL test procedures and/or paperwork requirements required by the Department. **(Added 8-2009)**
9. Notify the Department in writing within ten days if a Safety Officer, Designated Responsible Person or company is terminated, relocated, changes in physical, mailing or work email address, or withdrawals from the program. **(Revised 8-2009)(Modified 3-2010)**



## Section 3

# Duties of Designated Responsible Persons

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## Section 4

# Administrative Requirements

1. The Department reserves the right to sample test, retest or re-examine any applicant administered a CDL test by a Company participating in the Third Party Tester Program or if there is any perception that substandard testing has taken place and/or 383.75 of the FMCSR is not adhered to. **(Added 8-2009)**
2. Companies must allow representatives from the FMCSA and/or the Department to conduct random examinations, inspections and audits without prior notice. All records, documents, reports and/or files required under this program must be kept in South Carolina at a designated location and available during normal working hours. **(Revised 8-2009)**
3. Companies will maintain individual driver files for each individual administered a CDL test by their Safety Officer. Driver files will be kept for three years from the date the test was administered; three years after the driver leaves employment; or three years after the Company is withdrawn from the Third Party Tester Program – whichever is greater. At a minimum driver files will include the following documents: Note: Driver files may include records of additional driver training, safety awards, courses, etc. **(Revised 8-2009)**
  - a. Copy of applicants Drivers License.
  - b. Applicants current address.
  - c. Copy of applicants CDL Beginners Permit
  - d. Copy of applicants Social Security Card.
  - e. A three year MVR - no more than 21 days old on day of CDL test.
  - f. A signed copy of the Certification of Conditions. **(Modified 9-2008)**
  - g. Form 447-RT (green copies) for all test administered.
  - h. Form 447-RT (green and white copies) for all tests administered and not passed.
  - i. Copy of 447-SO Card if test was passed. **(447-SO Card added 3-2004)**
  - j. Proof of residency - truck school only.
  - k. Form CL-15, Date of Hire (SCDOE and SCDOT mechanics) or memorandum from H.R. indicating date of hire was 30 days before test.
  - l. Application of employment - SCDOE only.
  - m. S-4C - SCDOE only.
  - n. S-6 - SCDOE only.
  - o. S-7 - SCDOE only.
4. A 3 year MVR (no more than 21 days old on day of CDL test) may be obtained from a Department of Motor Vehicle Branch Office or by submitting a request with six dollars to the address below: **(Revised 9-2008)**

Driver Record Check  
Department of Motor Vehicles  
Post Office Box 1498  
Blythewood, South Carolina 29016-0027

**Note:** An unofficial MVR may be printed online at [www.scdmvonline.com](http://www.scdmvonline.com) and attached to the Official MVR once it's received. **(Revised 5- 2004, 9-2008)**

## Section 4

# Administrative Requirements

5. Safety Officers or Company will be issued a series of controlled Form 447-SO, Safety Officer Cards and Form 447-RT's, Commercial Driver License Skill Test Score Sheets upon completion and licensing of training from the Department. Documents must be used in numerical order. **(Added 8-2009)**
6. Voided Form 447-SO's and Form 447-RT's must not be destroyed and must be kept in an individual file for 3 years from the date it was voided. Voided forms will be audited and collected by the Department. **(Added 10- 2003) (Revised 3-2004, 9-2008, 8-2009)**
7. Weekly Test Schedules must be submitted to the Department seven calendar days prior to administering each CDL test. Schedules will include: name and DL# of the applicant; date, location and time test is scheduled; and name of Safety Officer administering the test. Weekly Test Schedules can be faxed or emailed to the Department. **(Added, 7-2003) (Revised 3-2004, 9-2008)**
8. Monthly Activity Reports must be submitted to the Department by the 10th of each month. Reports will include: name and DL# of all applicants tested; Class of license applicant tested for; pass or fail; all 447-RT and 447-SO numbers used; date of test; and name of Safety Officer who administered the test. I.e. report for July 2011 is due to the Department to later than August 10, 2011. A negative Monthly Activity Report will be submitted by the 10th even if no test were administered during the previous month. Monthly Activity Reports can be faxed or emailed to the Department. **(Revised 5-2003, 2-2008, 8-2009).**
9. Failure to submit Weekly Test Schedules, Monthly Activity reports or other required reports as set forth in this manual may result in immediate suspension of the Companies testing privileges and removal from the Third Party Testing Program. **(Revised 9-2008, 8-2009)**
10. The Department reserves the right to change or modify the Third Party Tester regulations and/or policies at any time without prior notice. Notification of changes will be sent to the Designated Responsible Person.
11. Safety Officers and the Designated Responsible Person must attend periodic training sessions conducted by the Department.
12. Vehicle Pre-Trip Inspection must be conducted in South Carolina. **(Added 8-2009)**
13. The Basic Control Skills Course(s) must be located in South Carolina, meet requirements outlined in this manual and approved by the Department before a CDL test can be administered. Basic Control Skills Courses must be approved and inspected by a CDL Compliance representative annually or any time changes are made. **(Revised 9-2008, 8-2009, 3-2010)**
14. CDL Road Test Routes must be located in South Carolina, meet requirements outlined in this manual and approved by the Department before a CDL test can be administered. Note: The CDL Road Test Route is for the CDL tests only, other BTW requirements are to be done separately and not mixed in with any portion of the CDL test. **(Revised 9-2008, 8-2009)**

## Section 4

# Administrative Requirements

15. All forms required to be maintained by the Designated Responsible Person or Safety Officer can be obtained by email [CDLCompliance@scdmv.net](mailto:CDLCompliance@scdmv.net), Fax 803-896-8002 and/or written request to:

The Department of Motor Vehicles  
CDL Compliance Office  
10311 Wilson Blvd. PO Box 1498  
Blythewood, South Carolina 29016-0015

16. If an applicant fails a CDL test Safety Officers must ensure standardized waiting periods (listed in 17 below) are followed before another CDL test can be administered and cannot use their privileges as a Safety Officer to override time periods between tests. Example: Safety Officers cannot send an applicant who fails a CDL test today to the DMV tomorrow to avoid standardized waiting periods between tests. **(Added 3-2010)**
17. Standardization for Return Time after Failure of a Road Test  
The following are the failure types and the length of time the applicant will wait before the skills test will be re-administered: **(Added 3-2010)**
- **7 days:** Applicants with previous driving experience (held a drivers license previously) who fail any portion of their 1<sup>st</sup> CDL test must wait **7** days before being administered their 2<sup>nd</sup> and/or 3<sup>rd</sup> CDL test – regardless of age. **Note:** A beginner's permit does not count as driving experience.
  - **60 days:** Any applicant (regardless of driving experience) who fails their 3<sup>rd</sup> CDL test must wait **60** days before being administered their 4<sup>th</sup>, 5<sup>th</sup> or subsequent CDL test.
18. Applicants must be administered and pass all three skills portions of the CDL test in sequence. Grading is stopped and the CDL test is finished if an applicant fails any of the skills test – they **cannot** advance to the next maneuver. All CDL skills test **must** be administered in the following order:
- 1) Pre-trip inspection
  - 2) Basic control skills
  - 3) Road test
19. All CDL test (to include retest) will begin with the pre-trip inspection. Safety Officers are not permitted to carry-over or bank pre-trip inspection scores from an applicant's previous CDL test. **(Added 3-2010)**

## Section 4

# Administrative Requirements

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## Section 5

# CDL Applicant Requirements

1. Applicants applying for a Class A, B or C driver's license must meet the following requirements:
  - a. Drivers moving (intrastate) cargo originating and delivered within SC boundaries must be at least 18 years old or older.
  - b. Drivers moving (interstate) cargo over state lines are governed by State Transportation Police (STP) regulations and must be 21 years of age or older. **(Revised 9-2008)**
2. Have good vision as determined by visual screening according to 49 CFR part 391.41(b)(10)
3. Have a thorough understanding of traffic signs, signals and pavement markings.
4. Possess a valid driver's license and CDL permit before test is administered.
5. Be domiciled in South Carolina.

**Truck Driver Training Schools** - Proof of domicile can be determined by one of the following:

- a. Mortgage or Rental Agreement. (must be verified and noted by the school)
- b. Electric, Water, Natural Gas, or Phone Bill (not cellular).
- c. Cable Bill (not DSS).
- d. Property Tax on Home (not car or land).
- e. W-2 for prior tax year.
- f. Bank statements that are at least six months old.
- g. Trash Collection bill that is to residence.
- h. Insurance binder on the home which is at least six months old.

**Note:** School may waive these requirements if applicant has had a SCDL for over six months immediately prior to enrolling in the school. **(Revised 7-2007)**

6. Successfully pass knowledge test, pre-trip inspection, basic control skills and road test examination.
7. Qualify under the provisions of 49 CFR parts 383 and 391 to operate a commercial motor vehicle. **(Revised 9-2002)**
8. Be employed by Company for 30 days prior to CDL test or have completed the CDL driver training course offered by the certified truck driver training school licensed to operate in South Carolina in which the truck school holds a valid Third Party License. Safety Officers must only test graduates

## Section 5

# CDL Applicant Requirements

**Truck Driver Training Schools** - The term completed a CDL driver training course references the “Truck Driver Training Course of Instruction” outlined in section 90-108 of the Departments Driver Training School Regulations. **(Modified 9-2008)**

Participating Third Party Tester Companies and Safety Officers must only test applicants and/or graduates for their own company/school for which the applicant is employed by or student graduates from. **(Added 8-2009)**

A school cannot not administer a CDL tests to any student unless they employee a full time Safety Officer trained by the Department.

Safety Officers employed by truck driver training schools may administer a CDL test to applicant up to 21 calendar days after the student has completed or graduated the truck driver training school, provided the school maintains the student in its random drug and alcohol testing program. After 21 days the school must send the applicant to the DMV for testing. **(Revised 2-2002, 9-2008, 8-2009)**

9. School Districts and Department of Education drivers are exempt from the 30 day employment requirement provided the following have been met. These exceptions do not qualify for Teachers, Coaches, and District Support Staff.
  - a. Completed copy of the employment application in drivers file.
  - b. Completed Date of Hire, Form CL-15 in drivers file prior to CDL test being administered.
  - c. Completed copy of Form S-4C, School Bus Driver Training Record in drivers file.
  - d. Completed copy of Form S-6, Behind the Wheel Training Verification Report in drivers file.
  - e. Completed copy of Form S-7, School Bus BTW Score Sheet drivers file.  
School Districts give the Department the right to verify work hours of drivers with their Human Resource Office.
  - f. School Districts keep on file with the Department a Signature Form indicating 2 district personnel authorized to sign Date of Hire forms. The Department must be notified within 10 days of changes in signature authority.
  - g. School Districts understand they cannot administer CDL test to volunteers, part-time coaches, or School Resource Officers. **(Revised 5-2004)**

## Section 6

# Penalties and Appeals

1. The falsification of any required records, applications, or forms by any Safety Officer or Designated Responsible Person will result in the permanent revocation of his/her certification and at a minimum the suspension of his/her Company's third party testing privileges for a period of six months and may result in the Company's expulsion from the program. Such falsification may also result in criminal prosecution pursuant to §56-1-510.
2. Failure to comply with any of the requirements in this manual, the third party testing agreement, or any applicable statutes and regulations may result in the suspension or revocation of the third party testing privileges of the Company, a Safety Officer, or the Designated Responsible Person.
3. Prior to the imposition of any penalties, the Department will afford the affected parties the opportunity for a hearing in accordance with the Administrative Procedures Act §23-1-10, et seq., if the request for the hearing is received by the Department within ten days from the date of the Department's notification to the affected parties.
4. Appeals from decisions of the Department shall be handled in accordance with the Administrative Procedures Act.

The Office of Motor Vehicle Hearings (OMVH) was created in 2005 and is an office within the South Carolina Administrative Law Court. There are five Hearing Officers, one of whom will be assigned to hear your case. The hearing officers conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the Administrative Law Court.

The OMVH provides a neutral forum for fair, prompt and objective hearings for persons affected by an action or proposed action of the South Carolina Department of Motor Vehicles NEW FILING FEE FOR OMVH \$200

Please be advised that Act No. 212 of the 2012 General Assembly changed the filing fee from \$150 to \$200, effective June 7, 2012. Beginning September 10, 2012, the Office of Motor Vehicle Hearings will begin enforcing the filing fee increase and cases will not be processed until the \$200 fee is received.

South Carolina Administrative Law Court  
Office of Motor Vehicle Hearings  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 325  
Columbia, S.C. 29201  
Voice: (803) 734-3201  
Fax: (803)734-3200